



Henry E. Mazurek
Partner
Direct (212) 655-3500
Fax (212) 655-3535
hem@msf-law.com

December 12, 2022

VIA ECF

Hon. Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
Courtroom 705
New York, New York 10007

Re: *United States v. Roman Israilov*, 22-cr-20 (PGG)

Dear Judge Gardephe:

Counsel for defendants Israilov and Gulkarov write the Court to respectfully request a temporary modification of their conditions of pretrial release to permit them jointly to attend the b'nai mitzvah celebration for Defendant Gulkarov's children, Levi and Leah, on December 25, 2022. As the Court recalls, defendants Gulkarov and Israilov are married to sisters, which makes the b'nai mitzvah for Mr. Gulkarov's children also a family event for Mr. Israilov. In fact, Levi is Mr. Israilov's godson, in addition to being his nephew, and Leah, is Mr. Israilov's niece.

We respectfully request that the Court permit this very temporary modification of Messrs. Israilov and Gulkarov's bail to allow them to participate together in this important religious event in the children's young lives. We understand that the Court previously denied our January 2022 request for a broad modification to the specific condition that bars the defendants from associating with their co-defendants without the presence of counsel, and our March 2022 request for a temporary modification of these two defendants' bail for joint attendance at a third-party relative's bris ceremony. *See* ECF Docs. 47 and 66. This request is distinguishable from the earlier March 2022 family-accommodation motion because the b'nai mitzvah is the celebration of Mr. Gulkarov's own children. It is therefore not practical for him to leave his own children's event – even for an hour or two – to allow a staggered visit by the godfather and uncle of the children, Mr. Israilov.

Hon. Paul G. Gardephe
December 12, 2022
Page 2 of 3

A b'nai mitzvah is one of the most significant religious events in the Jewish tradition.¹ It is both a coming-of-age ceremony and a milestone occasion for the family—even more so here because this event is the first bar or bat mitzvah for Mr. Gulkarov's children, and it involves both his son and daughter. The b'nai mitzvah celebration is also more than just a party. For example, the b'nai mitzvah includes a candle-lighting ceremony, at which Mr. Israilov is expected to participate together with his godson and niece. Additionally, the children will read sections of the Torah to the family. This event has real religious significance, and both family members, Mr. Gulkarov and Mr. Israilov, want to show their complete support for the children on this momentous occasion.

Mr. Israilov's children are like siblings to Mr. Gulkarov's children. Because Mrs. Israilov and Mrs. Gulkarov are sisters and their children are similar ages, the children essentially grew up together. The b'nai mitzvah is not only deeply significant for Mr. Gulkarov, but also for Mr. Israilov because their families are so close.

It has now been nearly one year since Alex Gulkarov and Roman Israilov have been permitted to be together other than at joint counsel meetings. Adjudication of this case is likely to continue well into next year. There have been no violations of the pretrial conditions of release during this entire extended period. We, therefore, respectfully ask that this mild exception be made for this highly important religious and family event in these defendants' children's lives. As the Court knows, both defendants retain their presumption of innocence through this point in the litigation. 18 U.S.C. § 3142(j).

To further alleviate any concern by the Court, as explained in its earlier Order (dated January 24, 2022), we further propose that an attorney designated by Mr. Mazurek attend the b'nai mitzvah during the joint attendance of Messrs. Gulkarov and Israilov. *See* Order, ECF 47 at 10 (“A provision requiring that communications between such defendants take place in the presence of counsel helps ensure that further acts of subverting the justice process will not take place while the defendant is on pretrial release.”). We offer this further to ensure the Court of the propriety of the communications between defendants during the family celebration. Although, this is hardly the place where co-defendants can be expected to discuss their case together.

We have conferred with both Pretrial Services and the government about the defendants' joint motion. Notably, Pretrial Services does *not* object to this modification. Despite Pretrial's reasonable position, the government continues to object even to this narrow, temporary, hours-long modification. The government's objection acts to deny the families' joint religious celebration in honor of Mr. Gulkarov's children.

¹ A b'nai mitzvah is a combined religious occasion. A girl traditionally celebrates her bat mitzvah at age 12 in their family's religious tradition, and a boy traditionally celebrates his bar mitzvah at age 13.

Hon. Paul G. Gardephe
December 12, 2022
Page 3 of 3

We respectfully request that the Court grant the instant request to temporarily modify Messrs. Gulkarov and Israilov's conditions of pretrial release to permit them to attend jointly the b'nai mitzvah celebration of Mr. Gulkarov's son and daughter.

Respectfully Submitted,

/s/ HEM
Henry E. Mazurek
Jason I. Ser
Priya K. Pasricha
Meister Seelig & Fein LLP
125 Park Avenue, Suite 700
New York, New York 10017

Counsel for Defendant Roman Israilov

/s/FPH
Frederick P. Hafetz
Offices of Frederick P. Hafetz
10 E. 40th Street, 48th Floor
New York, New York 10016

Counsel for Defendant Alexander Gulkarov

cc: Counsel of Record (*via ECF*)

MEMO ENDORSED

The Application is granted.

SO ORDERED:


Paul G. Gardephe, U.S.D.J.

Dated: December 19, 2022